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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

**TRUSTEE'S MOTION FOR ORDER
SETTING MONTHLY INTERIM
PAYMENT PROCEDURE**

Mark D. Waldron, in his official capacity as the Chapter 11 Trustee (the "Trustee") hereby moves (the "Motion") the Court pursuant to 11 U.S.C. §§ 105, 326, 330, and 331 for an Order, substantially in the form attached hereto as **Exhibit A**, approving a procedure by which the Trustee may be paid on a monthly basis, subject to final review and approval or disgorgement. The Motion is supported by the *Memorandum of Points and Authorities in Support of Trustee's Motion for Order Setting Monthly Interim Payment Procedure*, the *Declaration of Mark D. Waldron in Support of Trustee's Motion for Order Setting Monthly Interim Payment Procedure*, and the *Notice of Trustee's Motion for Order Setting Monthly Interim Payment Procedure*, filed herewith.

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1 The proposed procedure for which the Trustee seeks approval is as follows:

2 1. Each month, the Trustee will file and serve, as set forth below, a
3 notice stating the amount of fees and expenses that he accrued in the calendar
4 month prior (the “Notice of Monthly Interim Fee Statement”).

5 2. The Trustee will serve the Notice of Monthly Interim Fee Statement
6 upon all parties who have registered to participate in Electronic Court Filing (the
7 “Monthly Notice Parties”).

8 3. The Monthly Notice Parties will have ten (10) days from the date of
9 service of the Notice of Interim Fee Statement to file with the Court and serve
10 upon the Trustee and undersigned counsel an objection to the proposed fees.

11 4. If no timely objection is filed with the Court, then the Trustee may
12 cause the Debtor to pay the Trustee up to the sum of \$15,000 for fees plus
13 expenses incurred; provided that if monthly fees are less than \$15,000, then the
14 Trustee will cause the Debtor to pay actual fees plus expenses.

15 5. The Trustee shall use his business judgment in deciding whether to
16 cause the Debtor to pay any portion of the monthly interim payments. If the
17 Trustee decides in the exercise of his business judgment that the Debtor should
18 not pay otherwise properly noticed fees, that unpaid interim allowed amount will
19 roll forward and will be payable at such time as the Trustee deems appropriate.
20 Furthermore, payment of the rolled forward amount will not count toward the
21 \$15,000 cap.

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1 6. If a timely objection is filed with the Court and served upon the
2 Trustee and undersigned counsel, then the Trustee shall set the matter for hearing,
3 which may be on an expedited basis.

4 7. If a party objects to less than the full amount of the requested fees or
5 expenses set forth in the Notice of Monthly Interim Fee Statement, then the
6 Trustee may cause the Debtor to pay him the amount of fees to which there is no
7 objection up to the sum of \$15,000 plus expenses.

8 8. All fees and expenses will be subject to final review and approval
9 after notice and hearing pursuant to section 330 of title 11 of the United States
10 Code.

11 9. The Trustee shall disgorge any fees and expenses that have been paid
12 pursuant to the Monthly Interim Payment Procedure but that are not allowed on a
13 final basis.

14 WHEREFORE, the Trustee respectfully requests that the Court grant the
15 Motion.

16 Dated: October 9, 2019

POTOMAC LAW GROUP

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18 By: /s/ Pamela M. Egan
19 Pamela M. Egan (WSBA No. 54736)
20 *Attorneys for Mark D. Waldron, Chapter 11*
21 *Trustee*
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